

CITY OF BROOKHAVEN, GEORGIA

CITY COUNCIL

J. Max Davis, Mayor

~~~~~

Rebecca Chase Williams – District 1

Jim Eyre – District 2

Bates Mattison – District 3

Joe Gebbia – District 4

## **APPROVED MINUTES**

### **December 17, 2012 City Council Meeting**

---

Meeting was held at St. Martin's Episcopal School 3110-A Ashford Dunwoody Road, NE, Brookhaven, GA 30319

---

A) INVOCATION – Jim Eyre

B) CALL TO ORDER – Mayor Davis at 12:01am

C) ROLL CALL – Interim City Clerk, Belenda Demos

- All present

D) PLEDGE OF ALLEGIANCE

- Presentation of Colors – Cross Keys Honor Guard
- Pledge of Allegiance – Led by Mayor Davis
- National Anthem – Gais Chowdhury

E) OPENING REMARKS – Mayor Davis – *(none)*

F) MINUTES – *(none)*

G) PUBLIC COMMENT – *(none)*

H) CONSENT AGENDA – *(none)*

I) ANNOUNCEMENTS – *(none)*

J) REPORTS AND PRESENTATIONS – *(none)*

K) OLD BUSINESS – *(none)*

L) NEW BUSINESS

1. **O2012-12-10**      **Consideration and Approval of an Emergency Ordinance to Provide for the Continuation of Ordinance and Law**

Motion and vote:      Councilmember Bates Mattison moved to approve Consideration and Approval of an Emergency Ordinance to Provide for the Continuation of Ordinance and Law. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.

2. **R2012-12-09**      **Consideration and Approval of a Resolution to Adopt a Moratorium**

Motion and vote:      Councilmember Joe Gebbia moved to approve Consideration and Approval of a Resolution to Adopt a Moratorium as per the two pages supporting the purposes and reasoning. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.

3. **R2012-12-10**      **Consideration and Approval of a Resolution to Ratify the Actions Taken by the Mayor and Council of the City of Brookhaven, Georgia Prior to December 17, 2012**
- Motion and vote:      Councilmember Rebecca Chase Williams moved to approve Consideration and Approval of a Resolution to Ratify the Actions Taken by the Mayor and Council of the City of Brookhaven, Georgia Prior to December 17, 2012. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously.
4. **O2012-12-11**      **Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Jim Eyre moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.
5. **O2012-12-12**      **Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Bates Mattison moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven. Councilmember Jim Eyre seconded the motion. The vote was called for and the motion carried unanimously.
6. **O2012-12-13**      **Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Joe Gebbia moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.
7. **O2012-12-14**      **Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Jim Eyre moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.
8. **O2012-12-15**      **Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven**

Motion and vote: Councilmember Rebecca Chase Williams moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously.

**9. O2012-12-16 Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven**

Motion and vote: Councilmember Bates Mattison moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.

**10. O2012-12-17 Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven**

Motion and vote: Councilmember Jim Eyre moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.

**11. O2012-12-18 Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven**

Motion and vote: Councilmember Joe Gebbia moved to approve Consideration and Approval of an Emergency Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously.

**12. O2012-12-19 Consideration and Approval of a One-Read Ordinance to Provide for the Continuation of Ordinance and Law**

Motion and vote: Councilmember Jim Eyre moved to approve Consideration and Approval of a One-Read Ordinance to Provide for the Continuation of Ordinance and Law. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.

**13. O2012-12-20 Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven**

Motion and vote: Councilmember Bates Mattison moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.

14. **O2012-12-21**      **Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Rebecca Chase Williams moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously.
15. **O2012-12-22**      **Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Joe Gebbia moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven. Councilmember Jim Eyre seconded the motion. The vote was called for and the motion carried unanimously.
16. **O2012-12-23**      **Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Jim Eyre moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.
17. **O2012-12-24**      **Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Rebecca Chase Williams moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven. Councilmember Bates Mattison seconded the motion. The vote was called for and the motion carried unanimously.
18. **O2012-12-25**      **Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven**
- Motion and vote:      Councilmember Bates Mattison moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.
19. **O2012-12-26**      **Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven**
- Councilmember Joe Gebbia moved to approve Consideration and Approval of a One-

Motion and vote: Read Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven. Councilmember Jim Eyre seconded the motion. The vote was called for and the motion carried unanimously.

**20. O2012-12-27 Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven**

Motion and vote: Councilmember Jim Eyre moved to approve Consideration and Approval of a One-Read Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven. Councilmember Joe Gebbia seconded the motion. The vote was called for and the motion carried unanimously.

**21. ACTION ITEM Nomination and Election of the Mayor Pro Tempore**

Motion and vote: Councilmember Joe Gebbia nominated Councilmember Rebecca Chase Williams for the position of Mayor Pro Tempore. Councilmember Bates Mattison seconded the nomination. Hearing no other nominations, Mayor Davis closed the nominations and called for the vote. Councilmember Rebecca Chase Williams was voted in as Mayor Pro Tempore unanimously.

**22. O2012-12-28 Consideration and Approval of an Ordinance to Provide for the Continuation of Ordinance and Law (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Provide for the Continuation of Ordinance and Law. (First Read)

**23. O2012-12-29 Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 1: GENERAL PROVISIONS for Code of Ordinances for the City of Brookhaven. (First Read)

**24. O2012-12-30 Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 2: ADMINISTRATION for Code of Ordinances for the City of Brookhaven. (First Read)

**25. O2012-12-31 Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 4: ALCOHOLIC BEVERAGES for Code of Ordinances for the City of Brookhaven. (First Read)

**26. O2012-12-32 Consideration and Approval of an Ordinance to Adopt and Approve**

**CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 7: BUILDINGS AND BUILDING REGULATIONS for Code of Ordinances for the City of Brookhaven. (First Read)

27. **O2012-12-33**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 9: MUNICIPAL COURT for Code of Ordinances for the City of Brookhaven. (First Read)

28. **O2012-12-34**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 10: ELECTIONS for Code of Ordinances for the City of Brookhaven. (First Read)

29. **O2012-12-35**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 15: LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS for Code of Ordinances for the City of Brookhaven. (First Read)

30. **O2012-12-36**      **Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven (First Read)**

Acting City Attorney William F. Riley read the Consideration and Approval of an Ordinance to Adopt and Approve CHAPTER 24: TAXATION for Code of Ordinances for the City of Brookhaven. (First Read)

31. **ACTION ITEM**      **Consideration to Authorize the Advertisement for the Zoning and Signage Ordinance for the City of Brookhaven, Georgia**

Councilmember Bates Mattison moved to approve the Advertisement for the Zoning and Signage Ordinance for the City of Brookhaven, Georgia. Councilmember Rebecca Chase Williams seconded the motion.

Discussion: A target date of January 14, 2013 was suggested.

The vote was called for and the motion carried unanimously.

**M) OTHER BUSINESS**

**N) PUBLIC COMMENTS**

- Buddy Hechenbleikner presented the Council with a “pictorial audit report” of all the playgrounds in the City.

- Mike Roberts encouraged everyone to text in their support for a playground competition benefitting Woodridge Elementary School.

**O) MAYOR'S COMMENTS**

- City Hall ribbon-cutting is later in the day at 2pm.
- There will be another meeting Wednesday at 7pm in this same location.
- Councilmember Bates Mattison paid special kudos to the members and volunteers of the Governor's Commission on Brookhaven.
- The new City Hall address is 200 Ashford Center North, Suite 150, Dunwoody GA 30338. The main phone number is 404-637-0500. The temporary web address is [www.brookhaven-ga.us](http://www.brookhaven-ga.us).

**P) EXECUTIVE SESSION** (*none*)**Q) ADJOURNMENT**

Councilmember Bates Mattison moved to adjourn the meeting. Councilmember Rebecca Chase Williams seconded the motion. The vote was called for and the motion carried unanimously.